

**JOHN C. ELLIS, JR.**  
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**FEDERAL DEFENDERS OF SAN DIEGO, INC.**  
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Attorneys for Martin Orosco-Ibarra

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE LARRY A. BURNS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MARTIN OROSCO-IBARRA,**

Defendant.

Case No. 08CR1261-LAB

DATE: June 2, 2008  
TIME: 2:00 p.m.

NOTICE OF MOTIONS AND MOTIONS TO:

- (1) COMPEL DISCOVERY/  
PRESERVE EVIDENCE
- (2) DISMISS THE INDICTMENT BECAUSE  
IT FAILS TO ALLEGE ALL ELEMENTS  
OF THE CHARGED OFFENSE;
- (3) DISMISS THE INDICTMENT  
BECAUSE IT VIOLATES MR.  
OROSCO-IBARRA'S RIGHT TO  
PRESENTMENT;
- (4) STRIKE SURPLUSAGE FROM  
THE INDICTMENT;
- (5) PRODUCE GRAND JURY  
TRANSCRIPTS;
- (6) SUPPRESS STATEMENTS; AND
- (7) LEAVE TO FILE FURTHER  
MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND  
AARON CLARK, ASSISTANT UNITED STATES ATTORNEY:

**PLEASE TAKE NOTICE** that, on Monday, June 2, 2008, at 2:00p.m., or as soon thereafter as  
counsel may be heard, the accused, Martin Orosco-Ibarra, by and through his attorneys, John C. Ellis, Jr.,  
and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions listed  
below.

**MOTIONS**

Martin Orosco-Ibarra, the accused in this case, by and through his attorneys, John C. Ellis, Jr., and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an Order:

- (1) Compel Discovery/preserve Evidence;
- (2) Dismiss the Indictment Because it Fails to Allege All Elements of the Charged Offense;
- (3) Dismiss the Indictment Because it Violates Mr. Orosco-Ibarra's Right to Presentment;
- (4) Strike Surplusage from the Indictment;
- (5) Produce Grand Jury Transcripts;
- (6) Suppress Statements;
- (7) Leave to File Further Motions.

This Motion is based upon the instant motion and notice of motion, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

DATED: May 12, 2008

s/ John C. Ellis, Jr.  
**JOHN C. ELLIS, JR.**  
Federal Defenders of San Diego, Inc.  
Attorneys for Martin Orosco-Ibarra  
john\_ellis@fd.org